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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,914	07/30/2003	Ronald S. Lesniak	034297-000052	9610
7590	06/09/2005		EXAMINER	
Robert E. Krebs Thelen Reid & Priest LLP P.O. Box 640640 San Jose, CA 95164-0640			HAROLD, JEFFEREY F	
			ART UNIT	PAPER NUMBER
			2644	

DATE MAILED: 06/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/631,914	LESNIAK ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jefferey F. Harold	2644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10 January 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9 and 11-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-9 and 11-20 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/25/05</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. ***Claims 1-6, 8, 9, and 11-20*** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yun (United States Patent (6,084,959) in view of well known prior art (MPEP 2144.03).

Regarding **claim 1**, Yun discloses a method and apparatus for controlling the ring volume of a telephone. In addition, Yun discloses a ring detect circuit operable to detect electric ring signals received by tip and ring terminals of the telephone the electric ring signals associated with a singular incoming telephone call; a microprocessor configured to receive notification that electric ring signals of the singular incoming telephone call have been detected by said ring detect circuit; and having a crescendo setting that signals the microprocessor to generate ringer control signals corresponding to the electric ring signals of the singular incoming telephone call), however, Yun fails to disclose a ringer option switch. However, the examiner takes official notice of the fact that it was well known in the art to provide a ringer option switch.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yun by specifically providing a ringer option

switch, for the purpose of controlling the ringer volume. Further, there can be no invention in merely providing means (e. g. a ringer option switch) to selectively alternate between one unpatentable configuration of old elements, where there is no new or different function. See *The Duplan Corporation v. Deering Milliken, Inc., et al.*, 197 USPQ 342 (DC SC 1977).

Regarding **claim 2**, Yun and well known prior art disclose, the combination disclose everything claimed as applied above (see claim 1), in addition, Yun discloses an audible ring generator configured to receive the ringer control signals and provide a succession of audible ring signals, wherein at least one audible ring signal in the succession of audible ring signals has a volume that is higher than a volume of a preceding audible ring signal in the succession when the ringer option switch is set at the crescendo setting, as disclosed at column 2, line 66 through column 4, line 51 and exhibited in figures 1 and 2.

Regarding **claim 3**, Yun and well known prior art discloses everything claimed as applied above (see claim 2), in addition Yun discloses wherein the audible ring generator comprises a speaker, as disclosed at column 2, line 66 through column 4, line 51 and exhibited in figures 1 and 2.

Regarding **claim 4**, Yun and well known prior art discloses everything claimed as applied above (see claim 1), in addition Yun discloses an inherent CODEC configured to receive a sequence of ringer control signals from said microprocessor and provide a corresponding sequence of signals for producing a corresponding sequence of audible ring signals, wherein at least one audible ring signal in the sequence of audible ring

signals has a volume that is higher than a volume of a preceding audible ring signal in the sequence when the ringer option switch is set at the crescendo setting, as disclosed at column 2, line 66 through column 4, line 51 and exhibited in figures 1 and 2.

Regarding **claim 5**, Yun and well known prior art discloses everything claimed as applied above (see claim 1), in addition Yun discloses an audible ring generator configured to receive the ringer control signals and provide a succession of audible ring signals, a first audible ring signal of the succession having a minimum volume and subsequent audible ring signals of the succession having increasing volume levels, as disclosed at column 2, line 66 through column 4, line 51 and exhibited in figures 1 and 2.

Regarding **claim 6**, Yun and well known prior art discloses a ring detect circuit operable to detect electric ring signals received by tip and ring terminals of the telephone; a microprocessor configured to receive notification that electric ring signals have been detected by said ring detect circuit, and crescendo setting means for signaling the microprocessor to generate a succession of ringer control signals corresponding to the detected electric ring signals, wherein a first ringer control signal of the succession is used to generate a first audible ring signal having first volume and subsequent ringer control signals of the succession are used to generate corresponding audible ring signals of increasing volume levels, as disclosed at column 2, line 66 through column 4, line 51; exhibited in figures 1 and 2 and recited above in the rejection of claim 1.

Regarding **claim 8**, Yun and well known prior art discloses a telephone ringer apparatus, comprising: an electronic telephone tone ringer configured to be coupled between tip and ring terminals of a telephone, a ringer option switch coupled to said tone ringer having audible ring signal volume settings and a crescendo setting; an audible ring signal volume controller coupled to said ringer option switch; and an audible ring generating device, as disclosed at column 2, line 66 through column 4, line 51; exhibited in figures 1 and 2 and recited above in the rejection of claim 1.

Regarding **claim 9**, Yun and well known prior art discloses everything claimed as applied above (see claim 8), in addition, Yun discloses a ring counter coupled to said audible ring signal volume control operable to count the number of ring signals associated with an incoming telephone call, as disclosed at column 2, line 66 through column 4, line 51; exhibited in figures 1 and 2 and recited above in the rejection of claim 1.

Regarding **claims 11-20**, they are interpreted and thus rejected for the reasons set forth above in the rejection of claims 1-9.

2. **Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over Yun in view of well known prior art and further in view of et al. (United States Patent 5,870,684), hereinafter referenced as Hoashi.

Regarding **claim 7**, Yun and well known prior art discloses a telephone comprising: a ring detect circuit operable to detect electric ring signals received by tip and ring terminal of the telephone; a microprocessor configured to receive notification

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that electric ring signals have been detected by said ring detect circuit, and an audible ringer device controlled by the microprocessor, the audible ringer device, upon the telephone's receipt of an incoming call, operable to generate a first audible ring signal having first volume followed by a succession of subsequent audible ring signals of increasing volume levels, as disclosed at column 2, line 66 through column 4, line 51; exhibited in figures 1 and 2 and recited above in the rejection of claim 1, however, Yun and well known prior art fail to disclose a displayable menu system in communication with said microprocessor, the menu system having a menu key, which when activated provides a user with one or more ringer options, including a crescendo ringing option. However, the examiner maintains that it was well known in the art to provide a displayable menu system in communication with said microprocessor, the menu system having a menu key, which when activated provides a user with one or more ringer options, including a crescendo ringing option, as taught by Hoashi.

In addition, Hoashi discloses a displayable menu system in communication with said microprocessor, the menu system having a menu key, which when activated provides a user with one or more ringer options, including a crescendo ringing option, as disclosed at column 3, line 21 through column 4, line 36 and exhibited in figures 3 and 4.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yun and well know prior art by specifically providing a displayable menu system in communication with said microprocessor, the menu system having a menu key, which when activated provides a user with one or

more ringer options, as taught by Hoashi, for the purpose of providing a graphical user interface to control the ringer functions.

***Response to Arguments***

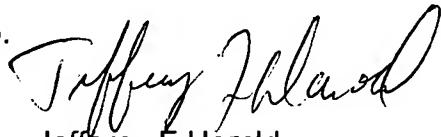
3. Applicant's arguments with respect to claims 1-9 and 11-20 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferey F. Harold whose telephone number is 571-272-7519. The examiner can normally be reached on Monday - Friday 9 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh H. Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jefferey F. Harold  
Examiner  
Art Unit 2644

  
JFH

June 7, 2005